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(Original Signature of Member)

108TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend the Communications Act of 1934 to protect the privacy rights  
of subscribers to wireless communications services.

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**IN THE HOUSE OF REPRESENTATIVES**

Mr. PITTS (for himself and Mr. MARKEY) introduced the following bill; which  
was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend the Communications Act of 1934 to protect the  
privacy rights of subscribers to wireless communications  
services.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wireless 411 Privacy  
5 Act”.



1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) There are roughly 150 million wireless sub-  
4 sscribers in the United States, up from approximately  
5 15 million subscribers just a decade ago.

6 (2) Wireless phone service has proven valuable  
7 to millions of Americans because of its mobility, and  
8 the fact that government policies have expanded op-  
9 portunities for new carriers to enter the market, of-  
10 fering more choices and ever lower prices for con-  
11 sumers.

12 (3) In addition to the benefits of competition  
13 and mobility, subscribers also benefit from the fact  
14 that wireless phone numbers have not been publicly  
15 available.

16 (4) Up until now, the privacy of wireless sub-  
17 sscribers has been safeguarded and thus vastly dimin-  
18 ished the likelihood of subscribers receiving un-  
19 wanted or annoying phone call interruptions on their  
20 wireless phones.

21 (5) Moreover, because their wireless contact in-  
22 formation, such as their phone number, have never  
23 been publicly available in any published directory or  
24 from any directory assistance service, subscribers  
25 have come to expect that if their phone rings it's



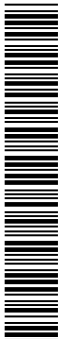
1       likely to be a call from someone to whom they have  
2       personally given their number.

3           (6) The wireless industry is poised to begin im-  
4       plementing a directory assistance service so that  
5       callers can reach wireless subscribers, including sub-  
6       scribers who have not given such callers their wire-  
7       less phone number.

8           (7) While some wireless subscribers may find  
9       such directory assistance service useful, current sub-  
10      scribers deserve the right to choose whether they  
11      want to participate in such a directory.

12          (8) Because wireless users are typically charged  
13      for incoming calls, consumers must be afforded the  
14      ability to maintain the maximum amount of control  
15      over how many calls they may expect to receive and,  
16      in particular, control over the disclosure of their  
17      wireless phone number.

18          (9) Current wireless subscribers who elect to  
19      participate, or new wireless subscribers who decline  
20      to be listed, in any new wireless directory assistance  
21      service directory, including those subscribers who  
22      also elect not to receive forwarded calls from any  
23      wireless directory assistance service, should not be  
24      charged for exercising such rights.



1           (10) The marketplace has not yet adequately  
2           explained an effective plan to protect consumer pri-  
3           vacy rights.

4           (11) Congress previously acted to protect the  
5           wireless location information of subscribers by enact-  
6           ing prohibitions on the disclosure of such sensitive in-  
7           formation without the express prior authorization of  
8           the subscriber.

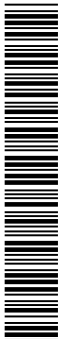
9           (12) The public interest would be served by  
10          similarly enacting effective and industry-wide privacy  
11          protections for consumers with respect to wireless  
12          directory assistance service.

13   **SEC. 3. CONSUMER CONTROL OF WIRELESS PHONE NUM-**  
14                   **BERS.**

15          Section 332(c) of the Communications Act of 1934  
16   (47 U.S.C. 332(c)) is amended by adding at the end the  
17   following new paragraphs:

18               “(9) WIRELESS CONSUMER PRIVACY PROTEC-  
19               TION.—

20               “(A) CURRENT SUBSCRIBERS.—A provider  
21               of commercial mobile services, or any direct or  
22               indirect affiliate or agent of such a provider,  
23               may not include the wireless telephone number  
24               information of any current subscriber in any



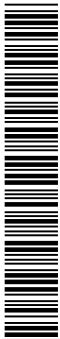
1 wireless directory assistance service database  
2 unless—

3 “(i) the mobile service provider pro-  
4 vides a conspicuous, separate notice to the  
5 subscriber informing the subscriber of the  
6 right not to be listed in any wireless direc-  
7 tory assistance service; and

8 “(ii) the mobile service provider ob-  
9 tains express prior authorization for listing  
10 from such subscriber, separate from any  
11 authorization obtained to provide such sub-  
12 scriber with commercial mobile service, or  
13 any calling plan or service associated with  
14 such commercial mobile service, and such  
15 authorization has not been subsequently  
16 withdrawn.

17 “(B) NEW SUBSCRIBERS.—A provider of  
18 commercial mobile services, or any direct or in-  
19 direct affiliate or agent of such a provider, may  
20 include the wireless telephone number informa-  
21 tion of any new subscriber in a wireless direc-  
22 tory assistance service database only if the com-  
23 mercial mobile service provider—

24 “(i) provides a conspicuous, separate  
25 notice to the subscriber, at the time of en-



1           tering into an agreement to provide com-  
2           mercial mobile service, and at least once a  
3           year thereafter, informing the subscriber of  
4           the right not to be listed in any wireless di-  
5           rectory assistance service database; and

6           “(ii) provides the subscriber with con-  
7           venient mechanisms by which the sub-  
8           scriber may decline or refuse to participate  
9           in such database, including mechanisms at  
10          the time of entering into an agreement to  
11          provide commercial mobile service, in the  
12          billing of such service, and when receiving  
13          any connected call from a wireless direc-  
14          tory assistance service.

15          “(C) CALL FORWARDING.—A provider of  
16          commercial mobile services, or any direct or in-  
17          direct affiliate or agent of such provider, may  
18          connect a calling party from a wireless directory  
19          assistance service to a commercial mobile serv-  
20          ice subscriber only if—

21               “(i) such subscriber is provided prior  
22               notice of the calling party’s identity and is  
23               permitted to accept or reject the incoming  
24               call on a per-call basis;



1 “(ii) such subscriber’s wireless tele-  
2 phone number information is not disclosed  
3 to the calling party; and

4 “(iii) such subscriber is not an un-  
5 listed commercial mobile service subscriber.

6 “(D) PUBLICATION OF DIRECTORIES PRO-  
7 HIBITED.—A provider of commercial mobile  
8 services, or any direct or indirect affiliate or  
9 agent of such a provider, may not publish, in  
10 printed, electronic, or other form, the contents  
11 of any wireless directory assistance service  
12 database, or any portion or segment thereof.

13 “(E) NO CONSUMER FEE FOR RETAINING  
14 PRIVACY.—A provider of commercial mobile  
15 services may not charge any subscriber for exer-  
16 cising any of the rights under this paragraph.

17 “(F) DEFINITIONS.—For purposes of this  
18 paragraph—

19 “(i) the term ‘current subscriber’  
20 means any subscriber to commercial mobile  
21 service as of the date when a wireless di-  
22 rectory assistance service is implemented  
23 by a provider of commercial mobile service;

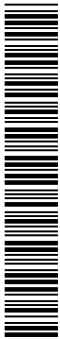
24 “(ii) the term ‘new subscriber’ means  
25 any subscriber to commercial mobile serv-



1 ice who becomes a subscriber after the  
2 date when a wireless directory assistance  
3 service is implemented by a provider of  
4 commercial mobile service, and includes  
5 any subscriber of a different provider of  
6 commercial mobile service who subse-  
7 quently switches to a new provider of com-  
8 mercial mobile service;

9 “(iii) the term ‘wireless telephone  
10 number information’ means the telephone  
11 number, electronic address, and any other  
12 identifying information by which a calling  
13 party may reach a subscriber to commer-  
14 cial mobile services, and which is assigned  
15 by a commercial mobile service provider to  
16 such subscriber, and includes such sub-  
17 scriber’s name and address;

18 “(iv) the term ‘wireless directory as-  
19 sistance service’ means any service for con-  
20 necting calling parties to a subscriber of  
21 commercial mobile service when such call-  
22 ing parties themselves do not possess such  
23 subscriber’s wireless telephone number in-  
24 formation; and





1 “(v) the term ‘calling party’s identity’  
2 means the telephone number of the calling  
3 party or the name of subscriber to such  
4 telephone, or an oral or text message which  
5 provides sufficient information to enable a  
6 commercial mobile services subscriber to  
7 determine who is calling;

8 “(vi) the term ‘unlisted commercial  
9 mobile services subscriber’ means—

10 “(I) a current subscriber to com-  
11 mercial mobile services who has not  
12 provided express prior consent to a  
13 commercial mobile service provider to  
14 be included in a wireless directory as-  
15 sistance service database; and

16 “(II) a new subscriber to com-  
17 mercial mobile service who has exer-  
18 cised the right contained in subpara-  
19 graph (B)(ii) to decline or refuse to  
20 such inclusion.”.

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